

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-01054 DMR	DATE FILED 3/7/2011	U.S. DISTRICT COURT Oakland division, 1301 Clay Street, Suite 400S, Oakland, CA 94612
PLAINTIFF MASTEROBJECTS INC		DEFENDANT GOOGLE INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,752,326		*SEE ATTACHED COMPLAINT
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wiekling	(BY) DEPUTY CLERK Valerie Kyono	DATE March 10, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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E-filing

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 MASTEROBJECTS, INC.,

15 Plaintiff,

16 v.

17 GOOGLE INC.,

18 Defendant.
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CV11 1054
Case No. _____

**ORIGINAL COMPLAINT AND
DEMAND FOR JURY TRIAL**

**ORIGINAL
FILED**

MAR - 7 2011

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA**

DMR

1 Plaintiff MasterObjects, Inc. ("MasterObjects" or "Plaintiff") hereby files its
2 complaint against defendant Google Inc. ("Google" or "Defendant"), for patent infringement.
3 For its complaint, Plaintiff alleges, on personal knowledge as to its own acts and on
4 information and belief as to all other matters, as follows:

5 **PARTIES**

6 1. MasterObjects is a corporation organized under the laws of the State of
7 Delaware, with its principal place of business in San Francisco, California, prior to January 1,
8 2010, and now Maarssen, Netherlands.

9 2. Google is a corporation organized under the laws of the State of Delaware,
10 with its principal place of business in Mountain View, California.

11 **JURISDICTION AND VENUE**

12 3. This complaint asserts a cause of action for patent infringement under the
13 Patent Act, 35 U.S.C. § 271. This Court has subject matter jurisdiction over this matter by
14 virtue of 28 U.S.C. § 1338(a). Venue is proper in this Court by virtue of 28 U.S.C. § 1391(b)
15 and (c) and 28 U.S.C. § 1400(b), in that Google may be found in this district, has committed
16 acts of infringement in this district, and a substantial part of the events giving rise to the
17 claim occurred in this district.

18 4. This Court has personal jurisdiction over Google because Google has a place
19 of business in, and provides infringing products and services in, the Northern District of
20 California.

21 **INTRADISTRICT ASSIGNMENT**

22 5. Pursuant to Civil LR 3-2(c), this case should be subject to district-wide
23 assignment because it is an Intellectual Property Action.

1 **I. STATEMENT OF FACTS**

2 **A. The Plaintiff MasterObjects and its Instant Search Technology**

3 6. From the earliest days of Internet search, the search process has been
4 hampered by what is known as the “request-response loop.” The user would type a query
5 into a static input field, click a “submit” or “search” button, wait for the query to be sent to a
6 remote database, wait for the result set to be returned to the server, wait for the server to
7 build an HTML page, wait for the page to load into the browser, and then wait for the client
8 window to be redrawn so that the result set could be viewed.
9

10 7. Inherent in the “request-response loop” is the pragmatic reality that, if the
11 result set did not match user expectations, the entire process had to be repeated, recursively,
12 until the results satisfied the user.

13 8. In 2000, Mark Smit, the founder of Plaintiff MasterObjects, invented a novel
14 approach to search, an approach that solved the “request-response loop” problem. Smit
15 envisioned a system where a dynamic and intelligent search field would immediately begin
16 submitting a search query as soon as the user began typing characters into the query field.
17 Using asynchronous communications technology, as the user typed more characters, the
18 results in the drop-down box would change dynamically, becoming increasingly relevant as
19 the string of characters lengthened. In essence, search would become effective and granular
20 at the *character* level, not the block request *submit* level. More, this would happen real-time,
21 as the user typed in characters, and not be dependent on hitting a “search” or “submit
22 button.”
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25 9. MasterObjects filed its first patent application in August 2001, “System and
26 Method for Asynchronous Client Server Session Communication.”
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1 10. MasterObjects filed its second patent application in 2004, as a continuation-
2 in-part of the 2001 filing. This second application, titled "System and Method for Utilizing
3 Asynchronous Client Server Communications Objects," issued as U.S. Patent No. 7,752,326
4 in July 2010 ("326" or "instant search").

5 11. The '326 Abstract summarizes the invention as follows:

6 A session-based client-server asynchronous information
7 search and retrieval system for sending character-by-
8 character or multi-character strings of data to an intelligent
9 server, that can be configured to immediately analyze the
10 lengthening string and return to the client increasingly
11 appropriate search information. Embodiments include
12 integration within an Internet, web or other online
13 environment, including applications for use in interactive
14 database searching, data entry, online searching, online
purchasing, music purchasing, people-searching, and other
applications. In some implementations the system may be
used to provide dynamically focused suggestions, auto-
completed text, or other input-related assistance, to the
user.

15 12. MasterObjects makes and sells products that practice the '326 patent, and
16 MasterObjects has been selling these products from approximately 2004 forward.
17 MasterObjects remains a going concern today, selling products that practice its patented
18 technology.

19 **B. The Infringing Google Products.**

20 13. Google products infringe the claims of MasterObjects' '326 patent, as set out
21 below.

22 **Google Instant**

23 14. On September 8, 2010, Google launched Google "Instant."
24

25 15. Google introduced Google Instant "as a new search enhancement that shows
26 results as you type." Unlike the prior technology, where "you had to type a full search term,
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1 hit return, and hope for the right result," Google Instant uses asynchronous communication
2 technology to begin sending results to the user as the user types, character-by-character.

3 16. Google describes the benefit of Google Instant as follows:

4 The most obvious change is that you get to the right content
5 much faster than before because you don't have to finish
6 typing your full search term, or even press "search."
7 Another shift is that seeing results as you type helps you
8 formulate a better search term by providing instant
9 feedback. You can now adapt your search on the fly until
10 the results match exactly what you want. In time, we may
11 wonder how search ever worked in any other way.

12 Google: About Google Instant, <http://www.google.com/instant>.

13 17. In this fashion, Google Instant provides search results to users as the users
14 type the queries. Search results are changed based on the additional characters inputted by
15 the user, that is, as the query character string lengthens.

16 18. Google executives described Google Instant as representing "a fundamental
17 shift in search," and otherwise recognized the innovative features of Google Instant in its
18 release in September 2010.

19 Google Suggest

20 19. Google Suggest anticipates a user's query as the user types in individual
21 characters in the query box, and asynchronously suggests complete queries that match the
22 partial query being typed. As the user starts typing in the search box, the client
23 asynchronously communicates with the server, and the server surveys records of previous
24 searches to suggest potentially matching queries to the user.

25 20. Google describes its Google Suggest functionality as follows:

26 As you type, Google's algorithm predicts and displays
27 search queries based on other users' search activities.
28 These searches are algorithmically determined based on a
number of purely objective factors (including popularity of

search terms) without human intervention. All of the predicted queries shown have been typed previously by Google users.

Google Web Search: Features: Autocomplete.

21. The benefits provided by Google Suggest parallel those provided by Google Instant, *e.g.*, speeding the search process, lessening user typing, catching mistakes mid-query, and otherwise increasing user efficiency.

Quick Search Box For Google Android

22. In October 2009, Google released an instant search functionality for its Android mobile phone platform, known as the "Quick Search Box."

23. As Google describes the function benefits of its quick search box:

Since keystrokes are at a premium when you're typing on your phone, Quick Search Box provides suggestions as you type, making it easy to access whatever you're looking for by typing just a few characters. Rather than giving you one search box for the web and another for your phone, QSB provides one single search box to let you search content on your phone, including apps, contacts, and browser history, as well as content from the web, like personalized search suggestions, local business listings, stock quotes, weather, and flight status, all without opening the browser.

<http://googlemobile.blogspot.com/2009/10/quick-search-box-for-android-search.html>

COUNT I

PATENT INFRINGEMENT **(The Instant Search Patent)**

24. On July 6, 2010, United States Patent No. 7,752,326 entitled "System and Method For Utilizing Asynchronous Client Server Communications Objects" was duly and legally issued. A true and correct copy of the '326 patent is attached as Exhibit A.

1 25. Mark Smit is the inventor of the '326 instant search patent. The '326 patent
2 has been assigned to Plaintiff. Plaintiff MasterObjects is the sole legal and rightful owner of
3 the instant search patent.

4 26. Google makes, uses, and sells products that infringe the instant search patent,
5 as alleged above in paragraphs 12 through 23 and incorporated here by reference.

6 27. In addition, Google has infringed and is still infringing the instant search
7 patent in this country through, *inter alia*, its active inducement of others to make, use, and/or
8 sell the systems, products and methods claimed in one or more claims of the patents. Google
9 supplies infringing products to others, including AOL and Netscape. Google's customers
10 directly infringed the instant search patent, and were induced to do so by Google. Google
11 knows of the instant search patent and its contents. Google actively and knowingly
12 encouraged, aided and abetted its customers to directly infringe the instant search patent.
13 Google offered its infringing products for sale or distribution with the intent of promoting
14 their use to infringe. Google intentionally encouraged its customers to infringe the instant
15 search patent by advertising its products for infringing uses, and instructing its customers
16 how to use the products to engage in infringement. Google had specific intent to encourage
17 customers to infringe the instant search patent, and knew or should have known that its
18 actions would encourage customers to actually infringe the instant search patent. This
19 conduct constitutes infringement under 35 U.S.C. § 271(b).
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22 28. In addition, Google has infringed and is still infringing the instant search
23 patent in this country through, *inter alia*, providing and selling goods and services including
24 the infringing products and services designed for use in practicing one or more claims of the
25 instant search patent, where the goods and services constitute a material part of the invention
26 and are not staple articles of commerce, and which have no use other than infringing one or
27
28

1 more claims of the instant search patent. Google's customers commit the entire act of direct
2 infringement. Google has committed these acts with knowledge that the goods and services
3 it provides are specially made for use in a manner that directly infringes the instant search
4 patent. This conduct constitutes infringement under 35 U.S.C. § 271(c).

5 29. As a result of the infringement by Google, Plaintiff has been damaged, and
6 will continue to be damaged, until this Defendant is enjoined from further acts of
7 infringement.
8

9 30. Google will continue to infringe unless enjoined by this Court. Plaintiff faces
10 real, substantial and irreparable damage and injury of a continuing nature from infringement
11 for which Plaintiff has no adequate remedy at law.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays for entry of judgment:

14 A. that the Patents-in-Suit are valid and enforceable;

15 B. that Defendant has infringed one or more claims of the Patents-in-Suit;

16 C. that Defendant account for and pay to Plaintiff all damages caused by the
17 infringement of the Patents-in-Suit, which by statute can be no less than a reasonable royalty;

18 D. that this Court issue a preliminary and final injunction enjoining Google, its
19 officers, agents, servants, employees and attorneys, and any other person in active concert or
20 participation with them, from continuing the acts herein complained of, and more
21 particularly, that Google and such other persons be permanently enjoined and restrained from
22 further infringing the instant search patent;
23

24 E. that Plaintiff be granted pre-judgment and post-judgment interest on the
25 damages caused to them by reason of Defendant's infringement of the Patents-in-Suit;
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1 F. that this Court require Defendant to file with this Court, within thirty (30)
2 days after entry of final judgment, a written statement under oath setting forth in detail the
3 manner in which Defendant has complied with the injunction;

4 G. that this be adjudged an exceptional case and the Plaintiff be awarded its
5 attorney's fees in this action pursuant to 35 U.S.C. § 285;

6 H. that this Court award Plaintiff its costs and disbursements in this civil
7 action, including reasonable attorney's fees; and

8 I. that Plaintiff be granted such other and further relief as the Court may
9 deem just and proper under the current circumstances.
10

11 Dated: March 7, 2011

Respectfully submitted,

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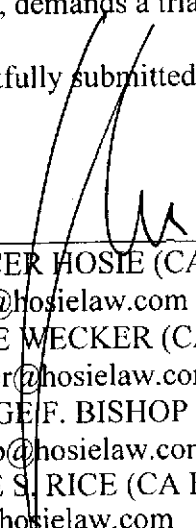
22 *Attorneys for Plaintiff*
23 *MASTEROBJECTS, INC.*
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DEMAND FOR JURY TRIAL

Plaintiff, by its undersigned attorneys, demands a trial by jury on all issues so triable.

Dated: March 7, 2011

Respectfully submitted,


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